9 December 2016

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
DEC 16 2016
BY
DEPUTY

Re: Raby v. Tolly et al, 9:13-cv-00120

Dear Honorable Jugde Zack Hawthron

Sir, I am writing to you regarding a problem I am having with the mail room denying me relavant information directly related to the case. I have written the defendants attorney Mr Neuhoff explaining things to him as well and Requesting he preserve video footage.
Sir, I don't know if you recall, but when you, Mrs Trevino and myself had a conferance call, I requested a copy of the DVDs. Mrs Trevinos response was 'absolutely not, it can be fashioned into a weapon' I then said I want them to be sent to my criminal attorney and you informed me that if they are not representing me on this case you couldn't do it.

well sir, since then I have been able to obtain copies of the surveillance DVD as well as the Audio video one. I have someone at my request take the surveillance vidoe and make still frames of it for me, and send the photos of the still frames to me.
These are photos I want to use as part of my response to summary judgement and possibly amend my response to defendants Tolly and valentines motion for summary judgement.
Sir, these photos are of nothing out side of this case.
The mailroom supervisiors reasoning for denying me was 'photos of prison' Not photos of guards' But I showed Mrs Morgan photos which defendants have already sent me of the guards in the use of force, she thumbed throught them handed them back and told me she is not going to give me the ones I had sent in because they were not of the ones I just showed her. I told her that makes no sense because I had these very photos sent in to me from the very same person who sent those. I also informed her that one of the photos from the audio video DVD that I was allowed just a few days ago.
I received all the photos within the last month Sir, As I had sent my only copy to the court in my first response to defeandants motion for Summary judgement.
I tried RESPECTFULLY to explain to her that this is all evidence that has

be submitted to the court. But she get real rude with me telling me there is 'no way I am getting these photos, I then told her I will be writing the Judge and their attorney about this' and she said, 'write who you want, you still ain't getting them'.

Your Honor, I Am at a loss as to what to do here I have been busting my butt trying to get that DVD, I finaly do and have friends take their time and money to send me things to help me fight this case and only thing directly related to this, And only to be denied.

Again sir, these photos are nothing more than still frames of the Uof. I would not have my friends and family send me anything other than things related to this case.
And if their only excuess in denying me is 'photos of prison' that is pretty week considering I have photos of the very hallway they are using to deny me.

It's as if once they see the photos and realize I have a civil suit against one of their own, they go into protective mode.

Sir I am asking that the court step in and instruct the Unit, and mailroom supervision that I am acting Pro se, and they should not interfere bydenying me my evidence directly related to this civil case.

Sir I give you my word I would never ask my friends of family to try and slip me in anything other than what is directly related to the case.

What gets me sir is, when I pointed out that the mailroom allowed me to have all the photos in color,as well as two sets in black and white, and photos from the Audio video, DVD.. It was as if that just pissed her off even more.
I did not sign the refusal form Sir, To do so would make to to where I would have to pay the postage to send it back out.

I do not want to file any more law suits sir. But they are in fact denying me my access to the court by denying me evidence directly related to this civil case. And again sir, if they only excuess is 'photos of prison' meaning the hallway where it took place. That is a pretty weak excuess, considering I have photos of the hallway.

I am enclosing a photo I had planed to use in my response to summary judgement
as evidence, to show the markings or to give the court a idea of where to
look on the audio video to show the brusing on the RIGHT side of my face.
To show also that they allow some photos in from the DVD,but they do not
want me to have the ones from the actual UoF. That just doesn't seem fair
Sir.

As you can see from the letter I have written to Mr Neuhoff, I have asked
him to contact them as well. But I highly doubt that will happen, but you
can also see I have for full preservation of mrs Morgan denying me, I am asking
because I have made preservations of surveillance footage myself,only to
be ignored.

I would ask of the court that if Mrs Neuhoff has not spoken to the mail
room supervisor, and if the court feels I am entitled to this evedance that
the court speak to Mr Neuhoff about this.

You know what is odd Sir? if I was to have a attorney send them in to me,they
would give them to me. I could even have a attorney give them to me in the
visiting room and I would be allowed to have them.
yet since I do not have an attorney and I am having to act pro se, they
are taking full advantage of that and denying me.

I hate to bother you or Mrs Neuhoff about this. Those photos are my evidence
sir that will aid me in summary judgement.
Now I am having a fear of sending anything out for fear they may screw me
over and keep it.

I thank you for you time in hearing me out on this sir.

Respectfully submitted.

Charles D. Raby Pro se.

.Oh and sir, they only wanted to deny me 10 photos out of 50. the 10 I am sure
are of the punches.

-COPY-

9 December 2016

Dear mr Neuhoff

Re. Raby V. Tolly et al, civ act No 9;13-cv-00120

Sir, I am writing to you in regards of the Unit mailroom supervisor denying me relavent evidence related to the case.

Mrs Morgan the mailroom supervisors reason for denying me was 'photos of unit'. I showed her other photos which were sent to me from your office through Mrs Trevino, that showed the eact sames areas of the UoF force took plac She then said that since the photos are not of the ones I ready have, she was still going to deny me.

I do not wish to add Mrs Morgan to this suit or any suit. But she is denying me my access to the court sir.

The photos in question are photos I had made of the surveillance video so I can properly respond to summary judgement. Vidoe I have been allowed to view several times already.

I had asked for a copy of the DVD of the last attorney, Mrs trevino while on the phone with the judge and she said no due to it could be 'fashioned into a weapon' well sir, I have the video made into paper form. which cannot be fashioned into a weapon.

I had planed to file a supplement response to summary judgement and use the photos as evidence and marked as exhibits.

her only reason for denying me was 'photos of the prison'. Photos of the area i have photos of. I even showed her photos of the guards involved. she held them inher hands, gave them back and still told me she is not going to give them to me. And when I refused to sign the denial form, a form that if i would had signed, i would had had to pay the postage to send out.

Sir I do not want to file another law suit. I have enough on my mind as it is. But this is denying me my acess to the court to properly fight sunnary judgement.

However, i am going to request full preservation of surveillance video through you. Since these people here will not act upon my request. I have tried in the past as you know to have surveillance footage of Mrs harris picking up my greivance only to be ignored.

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So I am requesting through you, preservation of surveillance footage on 12-9-2016 B-Pod,D-Section,2-row 55 cell at 7:15am to 7:50am.
which there is a camera not 7 foot from my cell door that has a full view of my cell door, of Mrs Morgan viewing the photos i showed her of the same area and her handing them back, on to still deny me the ones I had sent it.
Sir, this is public information, but also direct evidence I do need
I am asking you to instruct the unit mail room supervisor that she is not to deny me anything directly related to this case.
My hands are pretty much tied as you know, I have to rely on help from the outside to have copies made and things I need sent in since I am pro se.
I will be forwarding a copy of this letter to the judge explaining things to him as well. You canview these photot yourself. You will see they are nothing but still frames of the Uof force. Nothing more.

what i do not understand sir,is just a few days ago i received a photo fromthe Audio video DVD and they didn't deny that or any others i have had sent in. I have had copies made, so why now all of a sudden?
I am taking it that she and her supervisor are activily interfering with denying me access to the courts.
I do not like coming to you about this but i feel you should be aware of it
thank you for your time in this important matter

Respectfully
[signature]
Charles D.Raby, Pro se.

ps.sir now I am having a fear of the mailroom supervisior messing with my out going mail onthings pretaining to the civil suit. I can really do with out them messing with me or my mail due to this.

COPY

9 Deecember 2016

Warden Harris

Sir, I am writing to you in regards to the mailroom supervisior denying me photos I had sent in from evidence in the civil action case Raby v.tolly et al 9:13-cv-00120.
These photos are of still frames I had made of the surveillance video which I have been allowed to view through a court order 4 different times.The photos are to aid me in my response to defendants motion for summary judgement. By law I HAVE to respond. Those photos are to be my evidence. By Mrs Morgan denying me, she is denying me my legal access to the courts.
The photos are from Surveillance video that is admitted as evidance in the court.
the photos are nothing more than still frames of the video. her sole reason for denying me was 'photos of prison' Sir i showed her photos of the very hallway I have with the defendants as well as myself,and yet she still denied me after Irespectfully explained to her what the reason was for me needing them.
When the defendants file their motion for summary judgement i willhave so many days to respond. Those are my relavant evidence I will use as exhibits.
I am alsorequestion preservation of surveillance footage of Mrs Morgan at my door thumbing through the photos I showed her of the very hallway she is using as an excuess to deny me. And she hands themback.
I have written the defendants attorney informing him of this, Mr Daniel Neuhoff assistant generalattorney. You can contact him and ask if I am allowed to have them.
I am also asking him for a preservation request of footage as well and Honorable Judge Zack hawthourn for footage from 12-9-2016,B-pod D-section, 2 row 55 cell, from 7:15am to 7:50am where there is a camera not 7 foot from my cell.
I am requesting that you review the photos. and that I be allowed to have them to aid me in my defence.
Thank you for your time.
Respectfully

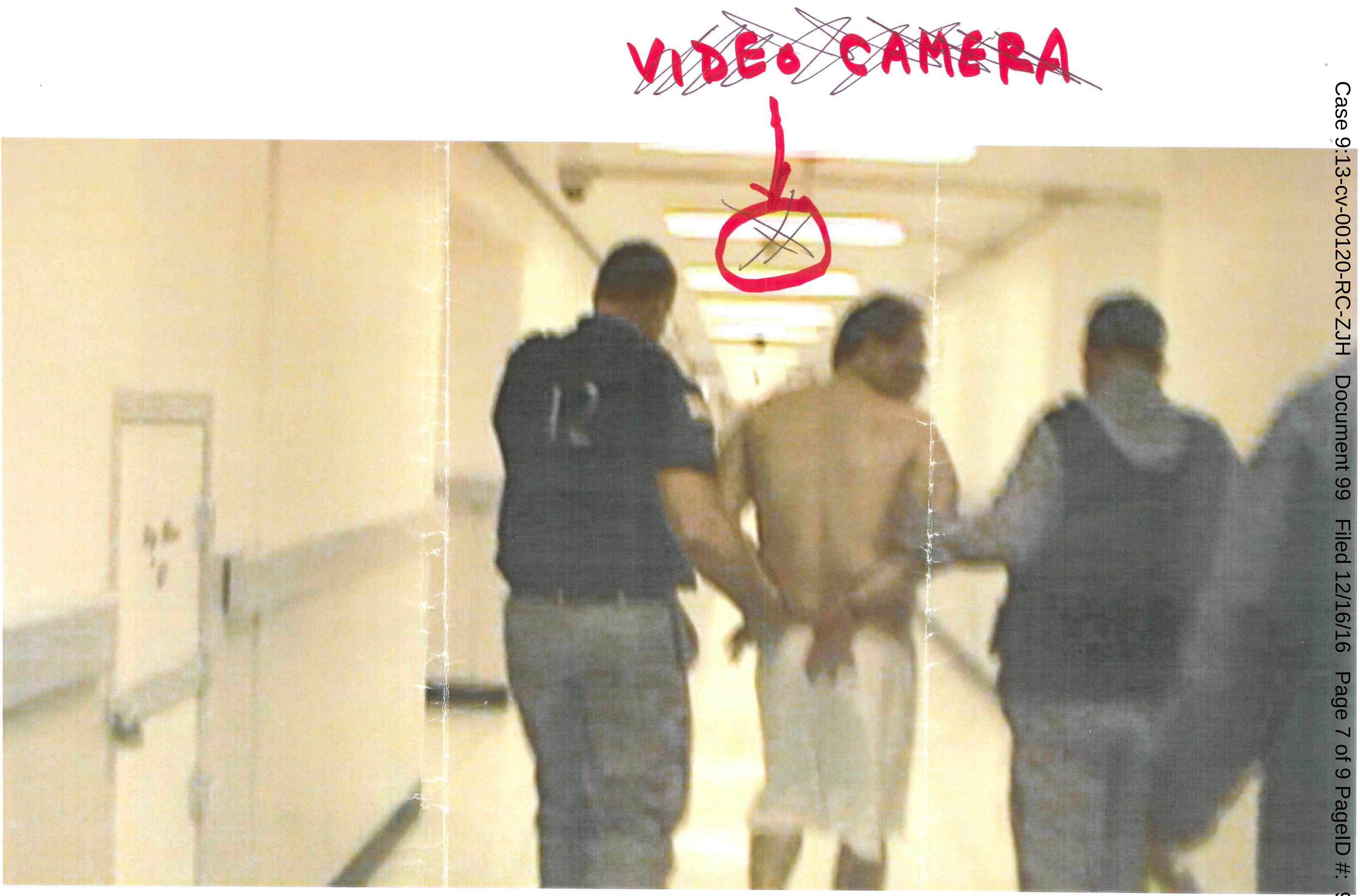
Charles D.raby 999109 12 BD 55

PS. Sir i am also enclosing two (2) pages as an offer of proof that the surveillance footage was submitted to the court.
All the photos where were denied are of the surveillance video

So it is not like I am trying to get things that are not evidence in this civil case. You should have this very video in your records since TDCJ policy states that a copy will be held at the unit.

I would very much like my legal papers back sir.
again thank you

Charles D.Raby 999109



This Photo is of a still FRAM From The Audio video that shows 'The Prison' her sole reason for denying. They allow me to have these. But not any of the actual use of Force.

9 December 2016

Re; Raby v. Tolly et al 9:13-cv-00120

Dear Mr Maland

Please find enclosed letter to Judge Zack Hawthorn , copy of letter to Defendants attorney Mr Daniel Neuhoff, and 1 photo to be filed with the court. And 1 COPY of I-60 written to Warden Harris.

Thank you for your time

All the best

Charles Raby pro se

Charles D. Raby, pro se.

Charles Raby 999109
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Legal mail

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